

**REMARKS**

Claims 1, 3-5, 7-28, and 30-35 are pending in this application. Claims 2, 6, and 29 were previously cancelled without prejudice to or disclaimer of the subject matter contained therein. Claims 1, 3, 28, and 30 are amended. Claims 1, 3, 28, and 30 are independent. Reconsideration of this application, as amended, is respectfully requested.

**Claim Rejections Under 35 U.S.C. § 103(a)**

Claims 1, 5, 9, 28, and 32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable by Ellenby et al. (U.S. 5,815,411) in view of Iwamoto (JP 08-294025);

claims 2-4, 6-8, 10-22, and 29-31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellenby et al. in view of Iwamoto, Honda et al. (U.S. 5,296,884) and Baron (U.S. Patent No. 6,459,388);

claims 23, 25, and 34 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellenby et al. in view of Iwamoto and Suzuki (U.S. Patent No. 5,831,670); and

claims 24, 26, 27, 33, and 35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellenby et al. These rejections are respectfully traversed.

**Arguments Regarding Independent Claims 1, 3, 28, and 30**

While not conceding the appropriateness of the Examiner's rejections, but merely to advance the prosecution of the present application, each of independent claims 1 and 28, as amended herein, recites a combination of elements directed to an imaging device, including *inter alia* "and when the photography information includes more than one recommended photography

date, each of the photography dates is ranked according to a relative degree of preference for performing photography”.

In addition, each of independent claims 3 and 30, as amended herein, recites a combination of elements directed to an imaging device, including *inter alia*

“wherein along with said positional information included in the photography information, said photography information also includes weather information which represents various recommended weather conditions suitable for photographing the recommended composition at said various photography locations”.

The Applicants respectfully submit that each of independent claims 1, 3, 28 and 30 as amended herein, sets forth subject matter that is not taught or suggested by any combination of the references cited by the Examiner, including Ellenby et al., Iwamoto, Honda et al., and Baron.

#### **The present invention**

In the present invention, each of the photography dates is ranked according to a relative degree of preference for performing photography (independent claims 1 and 28), and the recommended weather conditions suitable for photographing the recommended composition at said various photography locations (as independent claims 3 and 30).

#### **Analysis of Ellenby et al. and Iwamoto**

On page 3 of the Office Action, the Examiner concedes that Ellenby et al. fail to explicitly disclose the recommended composition data that represent an image of a composition that is recommended in performing photography. In addition, each of Ellenby et al. and

Iwamoto is silent about “each of the photography dates is ranked according to a relative degree of preference for performing photography”, and “various recommended weather conditions suitable for photographing the recommended composition at said various photography locations”.

**Analysis of Honda et al.**

Based on a careful review of Honda et al. FIG. 7, lines 25-38, it appears that this document merely discloses an actual “date” being recorded at the time of picture taking. As such, Honda et al. fail to disclose “when the photography information includes more than one recommended photography date, each of the photography dates is ranked according to a relative degree of preference for performing photography” (as set forth in independent claims 1 and 28).

The Honda et al. reference also is silent about “recommended weather conditions suitable for photographing the recommended composition at said various photography locations” (as set forth in independent claims 3 and 30). The Examiner is directed to Honda et al. column 5, lines 42-53, which merely discloses a sensor 14 for detecting actual temperature and humidity.

In summary, Honda et al. fail to teach the subject matter of any of independent claims 1 3, 28, and 30, as amended herein.

**Analysis of Baron**

Based on our review of Baron FIG. 3 and column 6, lines 19-40, it appears that this document merely illustrates suggested images, and time of day/time of year data for capturing images. Nowhere is there any hint in Baron of “and when the photography information includes more than one recommended photography date, each of the photography dates is ranked

according to a relative degree of preference for performing photography" (as set forth in independent claims 1 and 28).

In addition, Baron FIG. 3, column 6, line 46, and column 8, lines 11-12 merely disclose actual or real-time weather conditions 33 in order to provide the user a set of camera settings particularly suited for picture taking under the particular weather conditions of the moment.

As such, the Baron reference, like the Honda et al. reference, fails to disclose "various recommended weather conditions suitable for photographing the recommended composition at said various photography locations" (as set forth in independent claims 3 and 30, as amended herein).

As least for the reasons above, the Applicants respectfully submit that the combination of elements set forth in each of independent claims 1, 3, 28, and 30 is not taught or suggested by any combination of the references cited by the Examiner, including Ellenby et al., Iwamoto, Honda et al., and Baron.

Therefore independent claims 1, 3, 28, and 30 are in condition for allowance.

**Dependent Claims**

All dependent claims are in condition for allowance due to their dependence from allowable independent claims, or due to the additional novel features set forth therein.

All pending claims are now in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. 103(a) are respectfully requested.

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**CONCLUSION**

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Carl T. Thomsen, Registration No. 50,786 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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